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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,022	04/26/2005	Thomas Schmidt	502901-335	2198
27799 7590 12/01/2010 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER WEINSTEIN, LEONARD J				
ART UNIT 3746		PAPER NUMBER		
MAIL DATE 12/01/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/533,022

Applicant(s)

SCHMIDT, THOMAS

Examiner

LEONARD J. WEINSTEIN

Art Unit

3746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2, 4, 6, 7 and 10.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Devon C Kramer/
Supervisory Patent Examiner, Art Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746

Continuation of 11, does NOT place the application in condition for allowance because:

1. Applicant's arguments filed October 25, 2010 have been fully considered but they are not persuasive.
2. The limitations of claim 1 require "a region [of the circumferential sealing lip] that is orientated toward the electrical contacts."

Amendment at pg. 2.

The examiner notes first that the claim recites a not descript "region" of a circumferential sealing which therefore could be any part of a corresponding element taught by the prior art. Further the claim does not limit any particular portion or discrete physical feature (such as "a region") of the sealing lip to engage another part of the plug or the receiving device and form a seal because the limitation "circumferential sealing lip which includes a region . . . and which seals the plug" could be interpreted as either (a) the sealing lip as a whole forms a general seal between two elements or (b) the recited "region" of the sealing lip exclusively forms the seal.

Second the limitation "orientated toward" is very broad and an element doesn't have to directly face another element to meet the limitation, it only has to be orientated in a general direction of another element. The limitation imparts no discrete structural arrangement or direct physical interaction between elements in the claim. The limitation encompasses (a) a surface having a longitudinal axis that actually intersects another element because (i) depending on a person's vantage point traversing the axis via the surface could move the person toward or away from the element in question and (ii) the surface could have been formed in a direction directly pointing towards the other element thus the actual formation could serve as an "orientation." The limitation also encompass (b) any surface of any element facing in a direction over which the plane of a surface of another element exists (i.e. if element A is above element B but the two elements are not aligned any surface of B that faces upwards is directed toward element A because the surface is directed toward a plane that intersects element A in a vertical direction) because that surface is orientated in a general direction of the other element.

3. With respect to the rejection of claims 1, 2, 4, and 7 under 35 U.S.C. §103(a) as unpatentable over Herster US 5,631,445 ("Herster") in view of Zoell US 6,478,613 ("Zoell") the applicant argues that the primary reference of Herster:

a. Fails to teach a circumferential sealing lip "orientated toward the electrical contacts." Amendment of Oct. 10, 2010 ("Amendment"), pg. 5. The applicant argues that the groove 62 taught by Herster and cited by the examiner as circumferential sealing lip is orientated away from electrical contacts 44, 45, id.

Response:

With respect to Herster, groove 62 defines a recess that points from an outer surface of the upper end 55 of the fitting 32 towards the electrical contacts 44, 45. The bottom of the groove below the o-ring 66 forms one lip that was formed from the outside towards the center of the fitting. Thus this surface was formed or "orientated" in the direction of the electrical contacts. Further when the o-ring is placed in the groove it traverses the lower horizontal surface of the groove 62 from the outside toward the electrical contacts. From the vantage point of the o-ring just before its insertion the lower surface is orientated toward the contacts. Further as a result of the lower surface, the o-ring will be "orientated toward" the electrical contacts by the lower surface because the surface will guide the o-ring's movement toward the contacts.

b. Fails to teach a circumferential sealing lip that forms a seal with element 62 because element 62 does not seal the plug 32 against a receiving device 58 as an o-ring is provided. Amendment at pg. 5. The applicant argues that it is not possible for "the groove 62 itself to seal the plug 32 against the receiving device 58" and the o-ring is not integrally formed and directed toward the electrical contacts. Id.

Response:

As discussed above the limitations as claimed do not limit either the circumferential sealing lip in total or a region directed toward the contacts to seal a plug against the receiving device. The limitations also do not require that the sealing lip be the only element that seals the plug against the receiving device. First the lower horizontal surface of the groove 62 (1) forms a seal with an outer circumference that abuts the inner surface of the receiving device which alone meets the limitations as claimed because the region that is "orientated toward the electrical contacts" is not exclusively required by the claim to perform the sealing function. Second since the claims does not require the sealing lip to be the sole element that seals the plug against the receiving device any element that is part of an assembly that seals the two elements meets the limitations as claimed. With the lower horizontal surface of the groove 62 there is a defined a portion of a sealing assembly that receives and guides and O-ring for the direct seal between the plug and the receiving devices. The lower horizontal surface is part of an assembly that seals these two elements and therefore meets the limitations as claimed.

4. With respect to the rejection of claims 1, 6, and 10 under 35 U.S.C. §103(a) as unpatentable over Kobman et al. US 5,697,769 ("Kobman") in view of Zoell the applicant argues that the primary reference of Kobman:

a. Fails to teach a flange 56 as forming a sealing lip. Amendment at pg. 6.

Response

The flange 56 forms an outward protruding annular surface that constitutes a lip and the upper surface that abuts the skirt 68 is a region of the lip defined by flange 56. The upper surface of the flange 56 abuts the bottom of the skirt 68 of the cover 30 (constructively forming a plug) and thus forms a contact type of seal between the flange and the skirt 68. Thus the flange 56 forms a circumferential sealing lip.

b. Fails to teach a flange 56 directed toward electrical contacts 75, 76 because it is aligned perpendicular to the side wall of the base 54 and because the upper surface of the flange "creates a plane that extends parallel to the plane created by the electrical contacts" and that "parallel lines never intersect.

Response

The applicant's arguments do not account for the broadness of the limitations of claim 1 as discussed above. The bottoms of the electrical contacts are formed along a horizontal plane that is located above the flange 56 and the upper surface of the flange. The upper surface of the flange 56 faces this plane and therefore is directed toward it. Thus the upper surface of the flange is oriented in a general direction of the contacts since it faces upwards and the contacts are above it.